

United States District Court
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WM Specialty Mortgage LLC	:	Case No. 1:05-cv-02640
Plaintiff	:	District Judge Christopher A. Boyko
vs.	:	
Audrey Travis, et al.	:	<u>DEFAULT JUDGMENT AND</u>
Defendants.	:	<u>DECREE IN FORECLOSURE</u>
	:	
	:	

UNITED STATES DISTRICT JUDGE CHRISTOPHER A. BOYKO

This matter is before the Court on the motion of Plaintiff WM Specialty Mortgage LLC's Motion for Default Judgment and Decree in Foreclosure, to obtain judgment against Audrey Travis as described in the Complaint, to foreclose the lien of the Mortgage securing the obligation of such Note upon the real estate described herein, and to require all parties to set up their claims to the real estate or be barred.

The Court finds that:

1. The following defendants are in default of Motion or Answer:

- a. Audrey Travis;
- b. Unknown Spouse, if any, of, Audrey Travis.

2. The Clerk's Entry of Default was filed herein on January 13, 2006.

Accordingly, the Court takes the allegations contained in the Complaint as true, including that there is due and owing to the plaintiff from the defendant, Audrey Travis, upon the subject Note the principal balance of \$79,188.87, for which judgment is hereby rendered in favor of the

Plaintiff, with interest at the rate of 7.7 percent per annum from June 1, 2005.

The Note is secured by the Mortgage held by the plaintiff, which mortgage constitutes a valid and first lien upon the following described premises (the "Property"):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being Sublot No. 168 in The Lee-Miles Subdivision of part of Original Warrensville Township Lot No. 83 as shown by the recorded plat in Volume 102 of Maps, page 22 of Cuyahoga County Records.

Parcel Number: 143-07-013

Commonly known as: 17101 Ridgeton Drive, Cleveland, Ohio

Taking as true the allegations contained in plaintiff's complaint, the Court finds that the Mortgage was filed for record on May 25, 2004, and recorded as Instrument Number 200405250552 in the Cuyahoga County Recorder's Office; that the mortgage, together with the Note, was assigned to the Plaintiff by an Assignment of Mortgage filed for record on November 28, 2005 as Instrument Number 200511280322 in the Cuyahoga County Recorder's Office; that the conditions of said Mortgage have been broken; and that Plaintiff is entitled to have the equity of redemption of the defendant-titleholder foreclosed.

IT IS THEREFORE ORDERED, that unless the sums hereinabove found to be due to Plaintiff WM Specialty Mortgage LLC. and the costs of this action, be fully paid within three (3) days from the date of the entry of this decree, the equity of redemption of the defendant-titleholder in said real estate shall be foreclosed and the real estate sold, free and clear of the interest of all parties herein, and an order of sale shall issue to the United States Marshal of the Northern District of Ohio, directing him to appraise, and sell premises at public sale as upon execution and according to law, after having the property advertised pursuant to 28 U.S.C. §§ 2001 and 2002.

ORDERED FURTHER, that the United States Marshal shall send counsel for the party requesting the Order of Sale a copy of the publication notice promptly upon its first publication.

In the even that an Order of Sale is returned by the United States Marshal unexecuted, subsequent Orders of Sale shall issue in accord with the Court's instructions.

ORDERED FURTHER, that the United States Marshal, upon confirmation of said sale, shall pay from the proceeds of said sale, upon the claims herein found, the amounts thereof in the following order of priority:

1. To the United States Marshal for his or her fees and to satisfy all costs incurred by the Marshal incident to the advertising, and sale of the property.
2. To the Treasurer of Cuyahoga County, the taxes and assessments, due and payable as of the date of transfer of the property after the United States Marshal's Sale.
3. To the plaintiff WM Specialty Mortgage LLC, the sum of \$79,188.87, with interest at the rate of 7.7 percent per annum from June 1, 2005.
4. To Plaintiff, the sums advanced for real estate taxes, hazard insurance and property protection.
5. The balance of the sale proceeds, if any, shall be held by the United States Marshal to await further orders of distribution by this Court.

Since Plaintiff is the first and best lienholder junior only to real estate taxes, if it is the successful bidder at the United States Marshal's sale, Plaintiff shall not be required to make a deposit at the time of sale. Plaintiff shall pay the balance of all the Marshal's costs due and owing, and real estate taxes due and payable, when they are ascertained.

Upon distribution of the proceeds of sale as described above and entry of an order confirming the sale and ordering a deed to the purchaser, a certified copy of the entry shall be issued to the Cuyahoga County Recorder directing him or her to enter the same on the margin of the records of the mortgages and liens, releasing the liens adjudicated herein from the premises.

IT IS SO ORDERED.

Christopher A. Boyko
JUDGE CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

March 13, 2006